

045

CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 5, 1994
7:00 P.M.

1. INVOCATION

The invocation was given by Pastor Dave Hill, Grace Presbyterian Church.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

3. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Snider, and
Sieglock (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn,
Community Development Director Schroeder, Public Works
Director Ronsko, City Attorney McNatt, and City Clerk Perrin

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) Mr. Stanley Kirst, originator of the flag contest, and Evelyn Olson, representing the Lodi Arts Commission, presented Mayor Sieglock with the official City of Lodi flag. Mr. Pat O'Connell, designer of the flag, was also present at the meeting and was acknowledged for his design and concept. Jeff Kirst announced that small flags will soon be available to the public for purchase for approximately \$50 - \$70, and will eventually sell T-shirts and sweatshirts.
FILE NO. CC-2(k), CC-6

b) Bob Johnson, President of the Lodi District Chamber of Commerce, presented the City Council with a quarterly report on its recent activities and accomplishments.
FILE NO. CC-7(k)

c) Evelyn Olson of the Joint Lodi District Chamber of Commerce and the City of Lodi Economic Development Task Force presented the City Council with a quarterly report on its recent activities and accomplishments, and its goals for the upcoming year.
FILE NO. CC-7(k), CC-400

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Mann second, unanimously approved the following items hereinafter set forth except those otherwise noted:

a) Claims were approved in the amount of \$3,418,604.37.
FILE NO. CC-21(a)

046

Continued January 5, 1994

- b) The Minutes of December 14, 1993 (Joint Meeting of the City Council and the Planning Commission) and December 15, 1993 (Regular Meeting) were approved as written.
- c) Adopted Resolution No. 94-01 granting permission to destroy certain Police Department records listed below in excess of five years of age:
 - 1. Background investigations and employment records of previous employees who have left employment with the City over five years ago. This does not include retirees;
 - 2. Background investigation of previous applicants not hired, over five years old;
 - 3. Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations; and
 - 4. Investigations of Citizens Complaints over five years old.
FILE NO. CC-6, CC-34, CC-300
- d) Adopted Resolution No. 94-02 accepting the development improvements for Bangs Ranch, Unit No. 1, Tract No. 2560.
FILE NO. CC-46, CC-300
- e) Adopted Resolution No. 94-03 amending the Traffic Resolution No. 87-163 to approve the conversion from yield signs to stop signs on Locust Street at Loma Drive.
FILE NO. CC-48(h), CC-300
- f) Approved the extension of the lease between the City of Lodi and the Lodi Memorial Hospital for operation of the Senior Day Care Center at Hutchins Street Square.
FILE NO. CC-90
- g) Agenda item #E-7 entitled, "Reallocation of Building Maintenance Worker to Building Service Worker" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- h) Agenda item #E-8 entitled, "Set public hearing for February 2, 1994 to consider the Sproul Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by the Local Agency Formation Commission located at 5435, 5479, 5535, 5567, 5909 and 6161 East State Route 12 and 17282 North Guild Avenue" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)

047

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Davenport, Mann second, unanimously adopted Resolution No. 94-04 approving the reallocation of the Building Maintenance Worker position in the Public Works Department to Building Service Worker.
FILE NO. CC-34, CC-300
- b) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously set public hearing for February 2, 1994 to consider the Sproul Reorganization, including annexation to the City of Lodi and detachment from certain districts as approved by the Local Agency Formation Commission located at 5435, 5479, 5535, 5567, 5909 and 6161 East State Route 12 and 17282 North Guild Avenue.
FILE NO. CC-8(a)

7. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Sieglock asked Assistant City Manager Glenn to give a report on the New Year's Eve Dial-A-Ride Program.
 - 1. Assistant City Manager Glenn informed the City Council that the Program was very successful. Dial-A-Ride had approximately 150 calls for service and gave approximately 300 rides, which is double from last year. Staff would like to see this become an annual program.
FILE NO. CC-50(b)
- b) Council Member Pennino recommended that the City Council set a date for a workshop to discuss the business license fee proposal that was presented to the City Council at its meeting of December 15, 1993. Following discussion, the City Council proposed January 26, 1994 at 7:00 p.m. as the date for the subject workshop.

Council Member Pennino further suggested that a workshop be considered, as well, to discuss the downtown revitalization and scope of work that was prepared by urban planner, Michael Freedman.

Council Member Pennino informed the City Council that he received a call from a concerned citizen about the right-hand turn out of Taco Bell near the intersection by Walmart and Target, and questioned the Public Works Director regarding when the signal is scheduled for completion. Public Works Director Ronsko responded that it is scheduled to be done around the same time as the completion of Target, which is some time in March.

FILE NO. CC-6, CC-48(a), CC-56, CC-72, CC-400

c) Council Member Davenport commented on the following matters: (1) thanked everyone for coming to the meeting and encouraged more citizens to attend the morning Shirtsleeve Sessions; (2) thanked everyone for the cards and gifts that were sent to him during Christmas; (3) would still like to see the gang issue being addressed; (4) informed the public that at the Shirtsleeve Session of January 4, 1994, the Council discussed the "City Manager's gag order" (City Council policies and procedures) to try to "choke" and "stifle" the City Council Members and reported that this policy will most likely die; (5) informed the public that the Consent Calendar contained an item regarding County Service Area 53 and explained that that is another charge to the taxpayers of \$4.00 for household hazardous waste removal; (6) commented that the costs on the scope of work prepared by Freedman Tung & Bottomley is too high (\$120,000) and that staff should try to pare it down; (7) informed the public that the Shirtsleeve Session of December 21, 1993 was a tour of the Materials Recovery Facility (MRF) at Sanitary City Disposal Company. Mr. Davenport questioned Mr. Vaccarezza of Sanitary City at that meeting if rates would be going down and was told that they would be increasing; (8) informed the public that negotiations are still on-going with the Lodi Police Officers' Association (LPOA) and the International Brotherhood of Electrical Workers (IBEW) and that on January 11, 1994, the hearings will be held for the United Firefighters of Lodi (UFL) grievances; (9) requested that he and his fellow Council Members be given a key to the Carnegie Forum so that he may meet with citizens to discuss business or to do his work, rather than at home or at a restaurant; and (10) introduced Mr. John Luebberke, the newly-appointed Deputy City Attorney.
FILE NO. CC-6, CC-22(b), CC-24(d), CC-72, CC-200(a), CC-400

d) Mayor Sieglock agreed with Council Member Davenport that the Council policies and procedures will most likely die and reiterated that this was a Council-generated direction. Mayor Sieglock requested that the Parks and Recreation Director give a brief report to the City Council at a future meeting regarding the new Adopt-A-Park Program. The Mayor commended the Fire Department for the Christmas fire truck, and stated that the City had received many letters in support of the program. Mayor Sieglock also praised the Recreation Commission for not putting a fence around Lodi Lake. Most of the residents he spoke with were very opposed to the fence; although, most were not opposed to a temporary fence during special events. Some of the area residents also expressed thoughts about having more patrol at the lake and that there are parking problems they would like to see addressed. Mayor Sieglock asked Public Works Director Ronsko to look into painting clearer parking lines especially in front of residents' driveways. Mr. Ronsko responded that staff will look into the matter.

Mayor Sieglock informed the City Council and the public that at the next Shirtsleeve Session of January 11, 1994, the City Council will be reviewing the budget which reflects the last changes that the Council made, the Teeter Plan, increased sales tax monies, etc. and asked the City Manager to comment on the matter.

049

City Manager Peterson stated the Council will conduct a mid-year review of the budget reflecting these various changes. The revised budget document is scheduled to be printed by the end of this week. Mr. Peterson invited the members of the City Efficiency Study Committee to attend the meeting.

FILE NO. CC-6, CC-21(b), CC-27(c), CC-40, CC-48(a)

- e) Council Member Mann questioned the status of having a "remote" meeting on the west side of the City. Mayor Sieglock suggested that it be held in March and to possibly have the Police Department in attendance to talk about Crime Prevention.

FILE NO. CC-6

- f) Council Member Pennino clarified a couple of comments by Council Member Davenport: (1) The \$4.00 household hazardous waste removal fee was not on this City Council agenda, it was in an article in the newspaper. It was approved by the County in 1992 and has been a benefit; and (2) The Freedman Tung and Bottomley proposal came in at \$81,000 not \$120,000 as quoted earlier by Mr. Davenport. Mr. Pennino explained that the purpose of the workshops are to determine what it is the City wants to do, and we may decide to piecemeal projects and not spend that entire amount.

FILE NO. CC-24(d), CC-72, CC-400

- g) Council Member Davenport suggested to the Public Works Director that he look into the parking area at Lodi Lake next to the park. There are no parking space designations and no lines. Mr. Davenport further commented that maybe there was a mistake on the scope of work report by Mr. Freedman, because those figures do add up to \$120,000 and it should be looked into.

FILE NO. CC-27(c), CC-48(a), CC-72, CC-400

8. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Les Dabritz, Executive Director of the Lodi District Chamber of Commerce, invited persons to apply for the next Leadership Lodi class scheduled to begin in February. The deadline to apply is Friday, January 14, 1994. This is the 5th year of Leadership Lodi and it has had approximately 60 graduates. There are scholarships available to help pay for tuition. Anyone interested was urged to call the Chamber at 367-7840.

Mr. Dabritz also clarified comments that were made at the December 15, 1993 City Council meeting about the November 23, 1993 proposed business license fee meeting held at Hutchins Street Square. Apparently there was a miscommunication between the Chamber of Commerce and the Old Lodi Union High School Site Foundation; although, no one needs to be blamed. Mr. Dabritz stressed that 1994 will be a productive year with Bob Johnson as the Chamber President and Evelyn Olson on the Joint Economic Development Task Force, and they will continue their theme of "Team Lodi". Mr. Dabritz thanked Dr. Mary Brown, Fairmont Medical Center and Lodi Memorial Hospital for his speedy recovery from a recent illness.

FILE NO. CC-7(k)

- b) Cheryl Reinke, 420 Ravenwood Way, Lodi, commented on Citizens Watch Committee which she formed last April. She was just one of the many citizens who were concerned with issues such as the City's garbage rate increase, better access for the handicapped in City buildings, and salaries of some of the City's top paid staff. Citizens Watch Committee's only purpose was to help other concerned citizens of Lodi have a forum and a voice in the community and be heard in City Hall. Citizens Watch helped people like Joe Murphy who had a problem with his utility billing; Jerry Hodo, a fire victim, who felt she was treated unfairly by the City; Walter Plath, a California Waste employee who was concerned about dangerous materials turning up on a sorting belt; and Lydia Valdez whose brother was brutally murdered and was unhappy with the police investigation. Citizens Watch has become a support group for the "little guy", to help them work with City Hall. Ms. Reinke stated that recently Adam Dados and his accomplice, Joe Roth, have allegedly attacked Citizens Watch and herself with outlandish lies, threats and innuendo and wanted to take this opportunity to state publicly that Mr. Dados's and Mr. Roth's claims are lies, and she has documented evidence which was made available to the local police and the District Attorney. Citizens Watch had nothing to do with the alleged "Friends of Tom" (F.O.T.) letter and Wilbur T. Calhoun and repeatedly requested official investigations to both the Grand Jury and to the City Council. Further, Ms. Reinke was pleased to read in the newspaper that the "gag rule policy" (Council policies and procedures) was "defeated". Citizens Watch is still registered with the Secretary of State and will be active in the coming year.
FILE NO. CC-6, CC-16
- c) Frank Alegre, 2000 Edgewood Drive, Lodi, congratulated the City Council on its decision to not take action on the proposed Council policies and procedures, because Lodi does not need more "rules". Mr. Alegre has always been treated properly by City staff and hopes that this year will continue to be as efficient.
FILE NO. CC-6

9. PUBLIC HEARINGS

None.

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10. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Mann, Pennino second, unanimously rejected the following claim and referred it back to ICA:

1. Ralph Ohanesian, date of loss 12/11/93

Council Member Davenport requested that the frequent problem of power surges be remedied and would like to see a report showing what percentage of claims are settled. City Attorney McNatt informed the Council that ICA currently prepares a quarterly report showing this information. Council Member Pennino suggested that the Council be given a brief report regarding power surges at a future meeting.
FILE NO. CC-4(c)

- b) City Clerk Perrin read the following ABC License:

1. John and Mirna Maalouf, E & L Market, 844 South Central Avenue, Off Sale Beer and Wine, Person to Person Transfer.
FILE NO. CC-7(f)

- c) The following reports were presented to the City Council:

1. Planning Commission Report of December 13, 1993.
FILE NO. CC-35(c)
2. Report by Virginia Snyder of the Lodi East Side Improvement Committee. Ms. Snyder requested that an item be scheduled for a future agenda regarding east side street lighting.

Speaking on the subject was Dennis Cochran, 935 Coloma Drive, Lodi. Mr. Cochran would like to meet with Virginia Snyder and Virginia Lahr to discuss graffiti abatement; however, he claims they have refused to meet with him. Ms. Snyder informed the City Council that they chose to not meet with him regarding graffiti abatement, because his concern was regarding a City program that should be taken up with the City and not their Committee.

FILE NO. CC-2(s)

- d) The City Council, on motion of Council Member Mann, Snider second, unanimously set a public hearing for January 19, 1994 to consider a letter received from Kenneth Choo appealing the Recreation Commission's recommendation not to allow the relocation of the Golf Driving Range to the DeBenedetti Park as requested.
FILE NO. CC-6

11. REGULAR CALENDAR

- a) Mayor Sieglock commented that the reasons for agenda item #J-1 entitled, "Charge to the City Efficiency Study Committee" was to be more specific regarding areas in which to look and to answer questions of the Council and Committee members.

The following Commission members who were present in the audience were introduced: Jack Fiori, Frank Alegre, Dorean Rice, Elizabeth Rosenquist, Chad Meyer and Mike Locke. Mr. Brian Chavez-Ochoa was unable to attend the meeting due to a prior commitment.

Speaking on the matter were the following persons:

1. Jack Fiori, Chairperson, City Efficiency Study Committee, requested certain information be given to each member to assist them with their task at hand and to help them get the Committee started:
 - ° List of departments and Department Heads with a contact person for each department;
 - ° Use of a room or facility for the Committee to meet;
 - ° Contact person for assistance in clerical duties; and
 - ° Town Hall information from each department.
2. Frank Alegre, City Efficiency Study Committee Member, commented on how the report should be prepared and agreed that the Committee should be responsible for deciding how the report will be completed.

City Attorney McNatt informed Chairperson Fiori that he would like to meet with him to discuss the Brown Act requirements since this is a Council-appointed Committee.

A suggestion was made by Council Member Pennino that a voice mail box be set up for the Committee so that citizens may phone in comments or suggestions.

FILE NO. CC-2(u), CC-6

12. RECESS

Mayor Sieglock declared a ten-minute recess and the City Council meeting reconvened at approximately 9:08 p.m.

13. REGULAR CALENDAR (Cont'd.)

- a) The City Council, on motion of Council Member Snider, Davenport second, unanimously approved and adopted the City of Lodi Travel and Business Expense Policy as a two-tiered policy (\$50.00 for high-cost areas and \$40.00 for all other areas).

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi. Mr. Alegre suggested that language be included that all air travel should be on coach and that the time deadline to turn in requests for reimbursements should be a week instead of 30 days.

FILE NO. CC-6, CC-21(a)

- b) Following discussion regarding the Contract Award for Lodi Lake Soil Removal, 1301 West Turner Road, the City Council, on motion of Council Member Pennino, Davenport second, unanimously rejected all bids and deferred the project so that Public Works can attempt the minor work in-house (under \$5,000).

FILE NO. CC-6, CC-12(b), CC-27(c)

- c) The City Council, on motion of Mayor Sieglock, Mann second, adopted Resolution No. 94-05 approving the installation of a "no-parking" zone on the westerly 180 feet of the south side, and the westerly 85 feet of the north side, of Cherry Street east of Garfield Street by the following vote:

Ayes: Council Members - Davenport, Mann, Snider and
Sieglock (Mayor)

Noes: Council Members - Pennino

Absent: Council Members - None

A letter was received from the resident of 517 Cherry Street requesting that the parking remain on both sides of the street in front of her residence.

CC-48(e), CC-300

- d) The City Council, on motion of Council Member Mann, Sieglock second, adopted Resolution No. 94-06 authorizing the Lodi Police Department to increase the civilian fingerprint fee to \$15.00, the police report fee to \$10.00 for the first 25 pages and .25¢ per page thereafter, and the vehicles towed by the Police Department to \$30.00 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi. Mr. Alegre was opposed to such a high increase for fingerprinting services and suggested that a non-resident fee be imposed.

FILE NO. CC-6, CC-56, CC-152, CC-300

- e) The City Council, on motion of Council Member Pennino, Mann second, initiated the rezoning to M-1, Light Industrial of 5435, 5479, 5535 and 5567 East State Route 12 (Victor Road) and 17282 North Guild Avenue which were added to the Sproul Reorganization by either owner petition or action of the Local Agency Formation Commission by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-8(a), CC-53(a)

- f) The City Council, on motion of Council Member Mann, Snider second, unanimously approved the expenditures necessary to accommodate the reallocation of space in City Hall and the Municipal Service Center (approximately \$7,500).

FILE NO. CC-6, CC-142

- g) The City Council, on motion of Mayor Sieglock, Mann second, authorized the City Manager to execute the architectural agreement with Wenell Mattheis Bowe for architectural services for the Municipal Service Center (MSC) Electric Utility Modification/Expansion Project. This agreement is for architectural and engineering services from the schematic design phase through construction observation on a time and materials basis, not to exceed \$22,125 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and Sieglock (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

It was suggested that, although Wenell Mattheis Bowe is an excellent architectural firm, the Council should extend an invitation to interview other firms for any future projects.

FILE NO. CC-90, CC-142

14. ORDINANCES

None.

15. CLOSED SESSION

- a) Labor Relations
b) Litigation - Betty Shannon v. City of Lodi

The City Council meeting reconvened at approximately 10:25 p.m.

FILE NO. CC-200(a), CC-200(d)

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 10:25 p.m.

ATTEST:


Jennifer M. Perrin
City Clerk